

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00116-MR

EVAN WILLIAM BLANKENSHIP,)
Plaintiff,)
vs.)
RICKY T. BUCHANAN, et al.,) ORDER
Defendants.)

)

THIS MATTER is before the Court on the Plaintiff's *pro se* "Motion to Seek Leave to Amend Complaint or in the Alternative, Voluntarily Dismiss as Moot." [Doc. 6].

The pro se Plaintiff, a federal inmate awaiting sentencing,¹ filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the McDowell County Jail.² The Complaint [Doc. 1] has not yet been reviewed for frivolity. In the instant Motion, the Plaintiff seeks leave to amend his Complaint and, if that is not granted, to voluntarily dismiss this case. [Doc. 6].

¹ See Crim. Case No. 1:23-cr-00082-MR-WCM-1.

² His current address of record is at the Cherokee County Detention Center.

The Plaintiff's Motion to Amend will be denied as moot because he may amend as a matter of right at this juncture in the proceeding. Fed. R. Civ. P. 15. The Court will refrain from screening the Complaint for frivolity for 30 days as a courtesy so that the Plaintiff may file a superseding Amended Complaint. The Plaintiff is cautioned that piecemeal amendment will not be permitted. Should the Plaintiff fail to timely file a superseding Amended Complaint, the Court will proceed to review the original Complaint for frivolity.

IT IS, THEREFORE, ORDERED that the "Motion to Seek Leave to Amend Complaint or in the Alternative, Voluntarily Dismiss as Moot" [Doc. 6] is **DENIED AS MOOT**.

The Clerk is respectfully requested to mail the Plaintiff a blank prisoner § 1983 form and a copy of this Order.

IT IS SO ORDERED.

Signed: June 3, 2024



Martin Reidinger
Chief United States District Judge

